

# PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 4

Bill No. 14-18

Introduced by Mr. Grasso

By the County Council, February 20, 2018

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Introduced and first read on February 20, 2018

Public Hearing set for March 19, 2018

Bill Expires May 26, 2018

By Order: JoAnne Gray, Administrative Officer

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## A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Administrative Hearings – Board of Appeals –  
2 Rezoning in Residential Districts  
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4 FOR the purpose of restricting administrative rezonings in residential districts under certain  
5 circumstances; providing for the application of this Ordinance; providing for the  
6 termination of this Ordinance; and generally relating to zoning.  
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8 BY adding: § 3-1-205(i)  
9 Anne Arundel County Code (2005, as amended)  
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11 BY repealing and reenacting, with amendments: §§ 18-2-106(b); and 18-16-303(c)  
12 Anne Arundel County Code (2005, as amended)  
13

14 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
15 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:  
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### 17 **ARTICLE 3. BOARDS, COMMISSIONS, AND SIMILAR BODIES**

#### 18 **TITLE 1. BOARD OF APPEALS**

#### 19 **3-1-205. Standards and procedures for granting or denying rezoning.**

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22  
23 **(I) Rezoning restrictions in certain residential zoning districts.** PROPERTY  
24 LOCATED IN RESIDENTIAL ZONING DISTRICTS MAY NOT BE ADMINISTRATIVELY REZONED  
25 TO A LESS RESTRICTIVE CLASSIFICATION THAT ALLOWS HIGHER DENSITY, UNLESS  
26 FAILURE TO DO SO WOULD DEPRIVE THE OWNER OF ALL ECONOMICALLY VIABLE USE OF

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EXPLANATION: CAPITALS indicate new matter added to existing law.  
[Brackets] indicate matter stricken from existing law.  
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 THE PROPERTY OR UNLESS THERE WAS A MISTAKE IN THE ZONING MAP AND THE  
2 REZONING RECTIFIES THE DEMONSTRATED MISTAKE IN THE ZONING CLASSIFICATION OF  
3 THE SUBJECT PROPERTY.

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5 **ARTICLE 18. ZONING**

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7 **TITLE 2. GENERAL PROVISIONS**

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9 **18-2-106. Zoning map.**

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11 (b) **Authorized changes to zoning map.** The Anne Arundel County Digital Zoning  
12 Layer may not be changed except as follows:

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14 (1) By comprehensive zoning legislation enacted by the County Council and  
15 certified by the Administrative Officer to the County Council;

16  
17 (2) By rezoning as authorized by § 18-16-303 and, upon final decision, certified by  
18 the Planning and Zoning Officer, EXCEPT THAT PROPERTY LOCATED IN RESIDENTIAL  
19 ZONING DISTRICTS MAY NOT BE ADMINISTRATIVELY REZONED TO A LESS RESTRICTIVE  
20 CLASSIFICATION THAT ALLOWS HIGHER DENSITY, UNLESS FAILURE TO DO SO WOULD  
21 DEPRIVE THE OWNER OF ALL ECONOMICALLY VIABLE USE OF THE PROPERTY OR UNLESS  
22 THERE WAS A MISTAKE IN THE ZONING MAP AND THE REZONING RECTIFIES THE  
23 DEMONSTRATED MISTAKE IN THE ZONING CLASSIFICATION OF THE SUBJECT PROPERTY;

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25 (3) By zoning district line adjustments as authorized by § 18-2-107 and certified by  
26 the Administrative Officer to the County Council; and

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28 (4) By administrative zoning district line adjustments as authorized by § 18-2-108  
29 and certified by the Planning and Zoning Officer.

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31 **TITLE 16. ADMINISTRATIVE HEARINGS**

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33 **18-16-303. Rezoning.**

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35 (c) **Restrictions.** A lot located in an Odenton Growth Management Area District may  
36 be rezoned only to another Odenton Growth Management Area District, and a lot that is  
37 not located in a sub-area may not be administratively rezoned to an Odenton Growth  
38 Management Area District. A lot not designated as a mixed use development area in the  
39 General Development Plan or a small area plan may not be administratively rezoned to a  
40 mixed use district. PROPERTY LOCATED IN RESIDENTIAL ZONING DISTRICTS MAY NOT BE  
41 ADMINISTRATIVELY REZONED TO A LESS RESTRICTIVE CLASSIFICATION THAT ALLOWS  
42 HIGHER DENSITY, UNLESS FAILURE TO DO SO WOULD DEPRIVE THE OWNER OF ALL  
43 ECONOMICALLY VIABLE USE OF THE PROPERTY OR UNLESS THERE WAS A MISTAKE IN THE  
44 ZONING MAP AND THE REZONING RECTIFIES THE DEMONSTRATED MISTAKE IN THE  
45 ZONING CLASSIFICATION OF THE SUBJECT PROPERTY.

46  
47 SECTION 2. *And be it further enacted,* That this Ordinance shall be construed to apply  
48 only prospectively and may not be applied or interpreted to have any effect on an  
49 application for rezoning submitted before the effective date of this Ordinance.

1       SECTION 3. *And be it further enacted*, That the provisions of this Ordinance shall  
2 remain in effect for two years from the date this Ordinance becomes effective or until the  
3 final adoption of an ordinance that updates the 2009 Anne Arundel County General  
4 Development Plan, whichever comes first, after which it shall stand repealed and with no  
5 further action required by the County Council, be of no further force and effect.

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7       SECTION 4. *And be it further enacted*, That this Ordinance shall take effect 45 days  
8 from the date it becomes law.